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IN THE  
UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS, )  
 )  
Plaintiff, )  
 )  
-vs- )  
 )  
MONSANTO COMPANY, a Delaware )  
corporation, )  
 )  
Defendant. )

No. 82-3229

N O T I C E


TO: Bruce A. Featherstone  
Kirkland & Ellis  
200 East Randolph Drive  
Chicago, Illinois 60601

William H. Hoagland  
Hoagland, Maucker, Bernard & Almeter  
401 Alton Street  
P.O. Box 130  
Alton, Illinois 62002

PLEASE TAKE NOTICE that I have today mailed for  
filing the attached MOTION FOR REMANDMENT, POINTS AND  
AUTHORITIES BRIEF IN SUPPORT OF MOTION FOR REMANDMENT,  
with the A. Marvin Helart, Clerk, United States District  
Court, Southern District of Illinois, P.O. Box 249, East  
St. Louis, Illinois 62202, a copy of which is herewith served  
upon you.

PEOPLE OF THE STATE OF ILLINOIS  
TYRONE C. FAHNER  
ATTORNEY GENERAL

BY:

  
Robert W. Mueller  
Assistant Attorney General

500 South Second St.  
Springfield, IL 62706

Dated: July 30 1982

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IN THE  
UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Plaintiff,	)	
	)	
-vs-	)	82-3229
	)	
MONSANTO COMPANY, a Delaware	)	
corporation,	)	
	)	
Defendant.	)	

MOTION FOR REMANDMENT

Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, by Tyrone C. Fahner, Attorney General of Illinois, hereby moves this Honorable Court to enter an Order, pursuant to 28 U.S.C., Section 1447(c), remanding this cause to the Circuit Court for St. Clair County, Illinois on the grounds that the same has been improvidently removed, and in support of its Motion states:

1. This Honorable Court is without jurisdiction over the cause removed inasmuch as

- (a) no federal matters are pleaded by the Plaintiff in removed action;
- (b) the Plaintiff in the removed action is the whole People of Illinois, and no diversity of citizenship exists.

2. By the terms of 28 U.S.C., Section 1441 only those actions of which District Court might have had original jurisdiction are removable.

3. 28 U.S.C., Section 1332(a) does not provide for original jurisdiction between the citizens of one state and an

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entire state, except in certain circumstances not relevant hereto.

WHEREFORE, Plaintiff moves this Court to enter an Order remanding this removed cause to the Circuit Court for St. Clair County, Illinois, and for costs incurred herein and for such other relief as the court may deem proper.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

TYRONE C. FAHNER  
ATTORNEY GENERAL

BY: Reed W. Neuman  
Reed W. Neuman  
Assistant Attorney General

Robert W. Mueller  
Assistant Attorney General  
500 South Second Street  
Springfield, Illinois 62706  
217/782-1090

Of Counsel.

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IN THE  
UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS, )

Plaintiff, )

-vs- )

82-3229

MONSANTO COMPANY, a Delaware  
corporation, )

Defendant. )

POINTS AND AUTHORITIES BRIEF  
IN SUPPORT OF MOTION FOR REMANDMENT

A STATE IS NOT A CITIZEN OF A STATE FOR PURPOSES OF DIVERSITY  
JURISDICTION OF THE FEDERAL COURTS.

1. Ford Motor Co. v. Department of Treasury, 323  
U.S. 459 (1945).
2. Postal Telegraph Cable Co. v. Alabama, 155 U.S.  
482 (1894).
3. Nuclear Engineering Co. v. Fahner, 660 F.2d 241  
(7th Cir. 1981); cert. denied, \_\_\_\_\_ U.S. \_\_\_\_\_,  
102 S.Ct. 1622 (1982).

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

TYRONE C. FAHNER  
ATTORNEY GENERAL

BY:

Reed W. Neuman  
Reed W. Neuman  
Assistant Attorney General

Robert W. Mueller  
Assistant Attorney General  
500 South Second Street  
Springfield, Illinois 62706  
217/782-1090

Of Counsel.

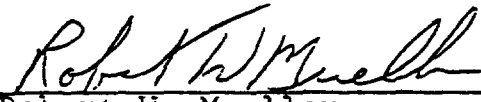
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CERTIFICATE OF SERVICE


I hereby certify that I did, on the 30th day of July, 1982, send by First Class Mail, with postage thereon fully prepaid, by depositing in a United State Post Office Box in Springfield, Illinois, a true and correct copy of the foregoing instruments entitled NOTICE, MOTION FOR REMANDMENT, POINTS AND AUTHORITIES BRIEF IN SUPPORT OF MOTION FOR REMANDMENT, and PROPOSED ORDER

TO: Bruce A. Featherstone  
Kirkland & Ellis  
200 East Randolph Drive  
Chicago, Illinois 60601

William H. Hoagland  
Hoagland, Maucker, Bernard & Almeter  
401 Alton Street  
P.O. Box 130  
Alton, Illinois 62002

  
Robert W. Mueller  
Assistant Attorney General  
Environmental Control Division  
Southern Region

Subscribed and sworn to  
before me this 30th day  
of July, A.D. 1982.

  
Notary Public

My commission expires May 17  
1983

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UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS, )  
 )  
Plaintiff, )  
 )  
-vs- )  
 )  
MONSANTO COMPANY, a Delaware )  
corporation, )  
 )  
Defendant. )

82-3229

ORDER

This cause coming on for hearing on Plaintiff's Motion for an Order remanding this cause to the Circuit Court of St. Clair County, Illinois, and the Court being fully advised, IT IS

ORDERED:

1. That the motion for remand is hereby granted;
2. That the Defendant pay to the Plaintiff all costs of the proceedings before this Court; and
3. That a certified copy of this order to remand shall be mailed by the Clerk of this Court to the Clerk of the Circuit Court for St. Clair County, Illinois.

ENTER: \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
J U D G E

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